



Privacy Notice

Applicable to all members of the school community (past and present)

Introduction

This privacy notice discloses the privacy practices of Hurtwood House. It is written to help you understand how and why we collect personal information about you and what we do with that information. It also explains the decisions you can make about your own information. This notice is aimed at its **staff** (current, past and prospective); its **current, past and prospective students; and their parents, carers or guardians** (referred to in this notice as "parents").

This Privacy Notice applies alongside any other information the school may provide about a particular use of personal information, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition to the school's other relevant terms and conditions and policies, including:

- any contract between the school and its staff or the parents of students;
- the school's policy on taking, storing and using images of students;
- the school's CCTV policy;
- the school's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the school's IT policies, including its E-safety & Acceptable Use policy.

Anyone who works for, or acts on behalf of, the school (including staff, volunteers and service providers) should also be aware of and comply with this Privacy Notice.

Responsibility for Data Protection

The School has appointed the Data Manager who will deal with all requests and enquiries concerning the School's use of personal information (see section on Your Rights below) and endeavour to ensure that all personal information is processed in compliance with this notice and Data Protection Law.

Why the School needs to process personal information

In order to carry out its ordinary duties to staff, students and parents, the School needs to process a wide range of personal information about individuals (including current, past and prospective staff, students or parents) as part of its daily operation.

Some of this activity the School will need to carry out in order to fulfil its **legal rights, duties or obligations** – including those under a contract with its staff, or parents of its students.

The school may also rely on **vital interest** to use personal information, for example, to prevent someone from being seriously harmed or killed.

Other uses of personal information will be made in accordance with the School's **legitimate interests**, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

The School expects that the following uses will fall within that category of its “**legitimate interests**”:

- For the purposes of student selection and admission (and to confirm the identity of prospective students and their parents);
- To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to students, and monitoring students' progress and educational needs;
- Maintaining relationships with alumni and the school community, including direct marketing or fundraising activity;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis);
- To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective students, including relating to outstanding fees or payment history, to/from any educational institution that the student attended or where it is proposed they attend; and to provide references to potential employers of past students;
- To enable students to take part in national or other assessments, and to publish the results of public examinations or other achievements of students of the School;
- To safeguard students' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's Acceptable Use Agreement and Safeguarding: Staff Code of Conduct;
- To make use of photographic images of students in school publications, on the School website and (where appropriate) on the School's social media channels in accordance with the School's policy on taking, storing and using images of students;
- For security purposes, including CCTV in accordance with the School's CCTV policy;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process;
- For the purposes of staff employment including identity confirmation, giving and receiving references and remuneration; and
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the school.

In addition, the School will on occasion need to process **special category personal data** (concerning health, ethnicity, religion, biometrics or sexual orientation) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

- To safeguard students' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;

- To provide educational services in the context of any special educational needs of a student;
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

What is personal information?

Personal information is information that identifies you as an individual and relates to you. This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents who pay fees to the School and for the purposes of staff remuneration
- past, present and prospective students' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the School about students, and relevant information provided by previous educational establishments and/or other professionals or organisations working with students;
- correspondence with and concerning staff, students and parents past and present;
- images of students (and occasionally other individuals) engaging in school activities, and images captured by the School's CCTV system (in accordance with the School's policy on taking, storing and using images of students);
- references given or received by the School about prospective staff; and
- past and present staff disciplinary and sickness records, and qualifications.

How the school collects data

Generally, the School receives personal information from the individual directly (including, in the case of students, from their parents). This may be via a web portal, a paper form, or direct communication (such as email or written assessments).

However in some cases personal information will be supplied by third parties (for example another school, or other professionals or authorities working with that individual).

Who has access to personal information and who the school shares it with

Occasionally, the School will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers, consultants, experts and other advisors), school photographer, IT software providers, our DBS processing company (GBG Plc), payroll and pensions providers;
- relevant government authorities (HMRC, DfE, UK Visas and Immigration, police or the local authority) and appropriate regulatory bodies (e.g. Teaching Regulation Agency, the Independent Schools Inspectorate or the Information Commissioner);

- emergency services (e.g. hospitals, doctors); or
- other schools or educational establishments (e.g. if a student leaves, for safeguarding reasons, references or unpaid fees).

For the most part, personal information collected by the School will remain within the school, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records (accessed only by appropriate medical staff and senior managers, or otherwise in accordance with express consent); and
- pastoral or safeguarding files.

However, a certain amount of any SEN student's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the student requires.

Staff, students and parents are reminded that the School is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#)) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the Local Authority Designated Officer (LADO) or police. For further information about this, please view the School's Child Protection and Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the School's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal information will be kept securely and only in accordance with the School's specific directions.

Sending information to other countries

The School may send personal information to other countries where:

- information is stored on computer servers based overseas; or
- the School communicates with parents or students when they are overseas (for example, during the summer holidays if they live in a different country).

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm

If the country that the School is sending personal information to is not on the list or, is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland) then it might not have the same level of protection for personal information as there is the UK.

How long we keep information

The School will retain personal information securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. The School will follow the Information Management Toolkit for Schools produced by IRMS for guidance on retention periods.

Typically, the legal recommendation for how long to keep ordinary staff personnel files is up to 7 years following departure from the School, and in relation to students, until their 25th birthday. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

If you have any specific queries about our retention periods, or wish to request that personal information that you no longer believe to be relevant is considered for erasure, please contact the Data Manager. However, please bear in mind that the School will often have lawful and necessary reasons to hold on to some personal data even following such request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

Keeping in touch and supporting the school

The School will use the contact details of parents, alumni and other members of the School community to keep them updated about the activities of the school, events of interest and to promote and raise funds for the school, including by sending updates and newsletters, by email and by post.

Should you wish to limit or object to any such use, or would like further information about them, please contact the Data Manager in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

Decisions you can make about your information

- **Rights of access, etc.**

Individuals have various rights under Data Protection Law to **access** and **understand** personal information about them held by the School, and in some cases ask for it to be **erased** or **amended** or have it **transferred** to others, or for the School to **stop processing** it - but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal information, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Data Manager.

The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, (which is one month in the case of requests for access to information). The School will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the School may ask you to reconsider or require a proportionate fee, (but only where Data Protection Law allows it).

- **Requests that cannot be fulfilled**

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals, (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is

subject to legal professional privilege (for example legal advice given to or sought by the school, or documents prepared in connection with a legal action).

The School is also not required to disclose any student examination scripts (or other information consisting solely of student test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the School itself for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

- **Student Requests**

Students can make subject access requests for their own personal information (see section Whose Rights below). A student of any age may ask a parent or other representative to make a subject access request on his/her behalf.

The law considers the information in question is always considered to be the child's. For students at Hurtwood House, the parent making the request may need to evidence their child's authority for the specific request. Students aged 13 are generally assumed to have this level of maturity, although this will depend on both the child and the personal information requested, including any relevant circumstances at home.

- **Parental requests, etc.**

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about students without their consent. The school may consider there are lawful grounds for sharing with or without reference to that student.

Parents will in general receive educational and pastoral updates about their children, in accordance with the Parent Contract.

All information requests from, on behalf of, or concerning students – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

- **Consent**

Where the School is relying on consent as a means to process personal information, any person may withdraw this consent at any time. Examples where we do rely on consent are certain types of uses of images. Please be aware however that the School may not be relying on consent but have another lawful reason to process the personal information in question even without your consent.

That reason will usually have been asserted under this Privacy Notice or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation has been requested).

Whose rights

The rights under Data Protection Law belong to the individual to whom the data relates. However, the School will often rely on parental authority or notice for the necessary ways it processes personal data relating to students – for example, under the parent contract, or via a form. Parents and students should be aware that this is not necessarily the same as the school relying on strict consent (see section on Consent above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the student's age and understanding, to seek the student's consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the School will assume that students' consent is not required for ordinary disclosure of their personal information to their parents, e.g. for the purposes of keeping parents informed about the student's activities, progress and behaviour, and in the interests of the student's welfare. That is, unless, in the School's opinion, there is a good reason to do otherwise.

However, where a student seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal information being disclosed to their parents, the School may be under an obligation to maintain confidentiality unless, in the School's opinion, there is a good reason to do otherwise; for example where the School believes disclosure will be in the best interests of the student or other students, or if required by law.

Students are required to respect the personal information and privacy of others, and to comply with the School's Acceptable Use Agreement and the School rules. Staff are under professional duties to do the same covered under the relevant staff policy.

Data accuracy and security

The School will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Data Manager of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the School may need to process your data, of who you may contact if you disagree.

The School will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to school systems. All staff will be made aware of this notice and their duties under Data Protection Law and receive relevant training.

This Notice

The School will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

Contact

Any comments or queries on this notice should be directed to the Data Manager using the following contact details:

Hurtwood House
Holmbury St Mary
Dorking
Surrey
RH5 6NU

If an individual believes that the School has not complied with this notice or acted otherwise than in accordance with Data Protection Law, they should utilise the School's Complaints procedure and should also notify the Data Manager. A complaint can also be lodged with the Information Commissioner's Office (ICO) <https://ico.org.uk/concerns/>, although the ICO recommends that steps are taken to resolve the matter with the School before involving the regulator.

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